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12 **Attorneys for Defendant Wayport, Inc.**

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 NOMADIX, INC.,
a Delaware corporation,

16 Plaintiff,

17 v.

18 HEWLETT-PACKARD COMPANY et
al.,

19 Defendants.

20
21 AND RELATED COUNTERCLAIMS
22

) Case No. CV09-8441-DDP (VBKx)

) **DECLARATION OF BENEDICT F.**
) **FREY IN SUPPORT OF**
) **DEFENDANT WAYPORT'S *EX***
) ***PARTE* MOTION FOR ORDER**
) **ISSUING A COMMISSION FOR**
) **TAKING A DEPOSITION IN**
) **GREECE**

) **DISCOVERY MATTER**

) Honorable Victor B. Kenton

1 I, Benedict F. Frey, hereby declare as follows:

2 1. I am an associate at the law firm Sidley Austin LLP and am counsel of
3 record for Defendant Wayport, Inc. ("Wayport"). I have personal knowledge of the
4 matters set forth herein. If called upon to testify, I could and would testify
5 competently hereto.

6 2. Counsel for Wayport spoke with John Holcomb, counsel for Nomadix, on
7 November 15, 2011, and informed Nomadix's counsel of the date and substance of
8 the proposed ex parte application.

9 3. Attached hereto as Exhibit A is a true and correct copy of a letter sent on
10 November 3, 2011 from Hugh A. Abrams to Douglas G. Muehlhauser.

11 4. Attached hereto as Exhibit B is a true and correct copy of a letter sent on
12 November 3, 2011 from John W. Holcomb to Hugh A. Abrams.

13 5. Attached hereto as Exhibit C is a true and correct copy of an e-mail chain
14 between Wayport and Nomadix from November 3, 2011 to November 13, 2011.

15 6. Attached hereto as Exhibit D is true and correct copy of Dr. Roussopoulos's
16 CV, WAYPT-NDX01368523-33, produced November 5, 2010.

17 7. On November 5, 2010, Wayport produced Dr. Roussopoulos's CV,
18 WAYPT-NDX01368523-33; and Correspondence between Dr. Roussopoulos and
19 Wayport, WAYPT-NDX01368517-22, WAYPT-NDX01368534-39, and WAYPT-
20 NDX03398072-77.

21 8. Attached hereto as Exhibit E is a true and correct copy of Nomadix's
22 November 11, 2011 30b6 notice.

23

24 I declare under penalty of perjury under the laws of the United States of
25 America that the foregoing is true and correct.

26 Executed this 14th day of November, 2011, in Chicago, Illinois.

27 /s/ Benedict F. Frey

28 Benedict F. Frey

One of the Attorneys for
Defendant Wayport.

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